IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/596,568	Confirmation No.: 7936
Applicant:	:	Joachim Bruchlos	
Filed:	:	January 25, 2007	
Title:	:	Utilization Method and System Within a Communication Network	
TC/A.U.	:	3685	
Examiner:	:	Dante Ravetti	
Docket No.	:	DE920030038US1	
Customer No.	:	25,259	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

The present application contains claims 1-40. Claims 21-40 were subject to a Restriction Requirement under 35 U.S.C. §121:

I. Claims 21-29 and 35-40 are drawn to licensing, classified in Class 705, Subclass 59; and

II. Claims 30-34 are drawn to computer, classified in Class 708, Subclass 100.

In response to the Election/Restriction Requirement dated as mailed February 6, 2009, Applicant elects Group I claims 21-29 and 35-40 for examination. The Restriction Requirement between Group I (claims 21-29 and 35-40) and Group II (claims 30-40) is respectfully traversed.

The Restriction Requirement asserted that Group I and Group II are independent and distinct in that they are related as subcombinations and there would be a serious search and

examination burden if restriction were not required. As indicated in the claim comparison chart below in which the common elements are highlighted in bold and underlined, Applicant respectfully submits that independent claims 21 and 30 recite the same functional elements and there would be no additional search or examination burden. System claim 30 recites hardware elements which perform the same functional features as recited in method claim 21. Since the functional features in claim 30 cannot be ignored, any search would have to include a search for elements that perform these functions which correspond to the same functions recited in method claim 21. Accordingly, both claims 21 and 30 would necessarily entail the same search.

21. A utilization method within a communication network, the method comprising:	30. A utilization system within a communication network, said system comprising:
receiving a service request message from a service consumer;	an input device for **receiving a service request message from a service consumer**;
generating a meter event request associated with the service request;	a generator for **generating a meter event request associated with the service request**;
comparing the actual content of **a cache memory** with at least one parameter; **storing the meter event request in the cache memory** or	**a cache memory for storing the meter event requests**; a cache controller for controlling **the cache memory**; and
sending the meter event request and the content of the cache memory to a metering service in order to process the meter event requests based on the comparison;	an invocator for **sending the meter event requests to a metering service in order to process the meter event requests**;

wherein **said at least one parameter is associated with the service request and a predefined convention, and said parameter defines how many meter event requests may be stored in the cache memory**.	wherein said system comprises a cache enabler for evaluating if any meter event request may be stored in the cache memory, and a monitor for **evaluating how many meter event requests may be stored in the cache memory depending on at least one parameter associated with the request and a predefined convention**.

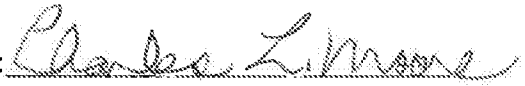
As evident from the claim chart, independent claims 21 and 30 recite basically the same functional elements and any search would necessitate searching for these same functional elements common to both claims. Reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

In the event the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number below. Action on the merits is awaited.

Respectfully submitted,

Joachim Bruchlos
(Applicant)

Date: March 5, 2009

By: 

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